

REMARKS

Claims 1-18 are pending and rejected in this application. Claims 1 and 9 are amended hereby; and claims 16-18 are cancelled hereby.

Responsive to the rejection of claims 1-15 under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,817,096 (Salyer), Applicants have amended claims 1 and 9 and submit that claims 1-15 are now in condition for allowance.

Salyer '096 discloses a reamer driver 10 including shaft 12 coupled with a base 18. Arms 22 radially extend from base 18 to detachably couple with reamer 24. A rod 38 forming part of reamer driver 10 is telescopingly coupled with shaft 12 of reamer driver 10.

In contrast, claims 1 and 9, as amended, each recite in part a reamer driver for driving an orthopaedic reamer, including:

a shaft including a distal end and a longitudinal axis; and

a driver head connected to said distal end, said driver head foldable approximately 90° about an axis generally perpendicular to said longitudinal axis.

(Emphasis added). Applicants submit that neither Salyer '096 nor any of the other cited references, alone or in combination, disclose or suggest the invention recited in claims 1-15 of the present application.

Salyer '096 discloses a reamer driver having a rod 38 which is telescopingly coupled with shaft 12, but not foldable relative to shaft 12. Base 18 is immovably coupled with the distal end of rod 38, and thus likewise not foldable relative to shaft 12. Although the present invention is directed to a foldable reamer driver rather than reamer head, Applicants also note that reamer head 24 is not foldable relative to shaft 12. Thus, Salyer '096 fails to disclose or suggest a driver head foldable approximately 90° about an axis generally perpendicular to the longitudinal axis of the driver shaft, as recited in claims 1 and 9 of the present application.

For the foregoing reasons, Applicants submit that claims 1 and 9, and claims 2-8 and 10-15 depending therefrom, are in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 16-18 under 35 USC 102(e) as being anticipated by US 2003/0212402 (White et al.), Applicants have cancelled claims 16-18.

Although White et al. was not applied to claims 1-15, Applicants also note the distinction that the present invention recited in claims 1-15 is directed to a foldable reamer driver, whereas White et al. discloses a foldable reamer which is attached to and driven by a reamer driver. Further, White et al. do not suggest a reamer having clearance cutouts (Ref. 22 in Fig. 1) for clearance with a shaft of a reamer driver (claim 2).

For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.



Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: July 27, 2006.

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